

PATENT
Attorney Docket No. 124.0005-10000
Customer No. 22882

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Application of:)	Confirmation No.: 2589
Hark C. Chan)	
Serial No.: 10/073,124)	Group Art Unit: 2617
Filed: February 9, 2002)	Examiner: William D. Cumming
For: INFORMATION DISTRIBUTION)	
AND PROCESSING SYSTEM)	

Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(c)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(c), applicant brings to the attention of the Examiner the documents listed on the attached Form PTO/SB/08. This Information Disclosure Statement ("IDS") is being filed after the events recited in Section 1.97(b) but, to the undersigned's knowledge, before the mailing date of either a Final Action or a Notice of Allowance. Under the provisions of 37 C.F.R. § 1.97(c), the fee of \$180.00 as specified by Section 1.17(p) is to be charged to Deposit Account No. 50-1068.

Copies of the listed non-U.S. patent documents are provided herewith. Applicant respectfully requests that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

The present application is a continuation of Serial No. 10/073,124, filed February 9, 2002; which is a continuation of Serial No. 09/812,003, filed March 19, 2001, now U.S. Patent No. 6,349,409; which is a continuation of Serial No. 09/434,413, filed November 4, 1999, now U.S. Patent No. 6,317,785; which is a continuation of Serial No. 08/939,368, filed September 29, 1997, now U.S. Patent No. 6,021,307 ("307 patent"); which is a continuation-in-part of Serial No. 08/644,838, filed May 10, 1996; which is a continuation-in-part of Serial No. 08/279,424, filed July 25, 1994 and a continuation-in-part of Serial No. 08/255,649, filed June 8, 1994; which is a

continuation-in-part of Serial No. 08/224,280, filed April 7, 1994; upon which applicant relies for the benefits provided in 35 U.S.C. § 120.

As stated in the IDS dated July 11, 2006, U.S. Patent No. 6,314,574 ("574 patent"), which is a continuation-in-part of the '307 patent, was the subject of litigation in the United States District Court for the Northern District of California, San Francisco Division, Case No. C 02-2878 (VRW), hereinafter referred to as Litigation 1. As stated in the IDS dated January 29, 2008, the '574 patent was also the subject of litigation in the United States District Court for the Eastern District of Texas, Texarkana Division, Case No. 5:06-cv-00295-DF, hereinafter referred to as Litigation 4. Litigations 1 and 4 are no longer pending.

Applicant brings to the Examiner's attention that U.S. Patent No. 7,508,789 (the "'789 patent"), which is a continuation of Serial No. 10/073,124, is the subject of litigation in the United States District Court for the Eastern District of Texas, Marshall Division, Civil Action No. 2:09-cv-312, hereinafter referred to as Litigation 5. ("Lit. 5"). In Lit. 5, the Defendants filed Answers and Counterclaims to Plaintiff's Complaint, alleging without specificity that one or more claims of the '789 patent are invalid under at least one of 35 U.S.C. §§ 101, 102, 103, and/or 112, and unenforceable under the equitable doctrine of prosecution laches. Copies of the pleading documents, including the aforementioned Complaint, Answers, and Counterclaims relating to Lit. 5 are available to the Examiner upon request.

Applicant notes for the Examiner on the attached Form PTO/SB/08 in the column for the Examiner's initials the references associated with Litigations 1 and 4 by the designations "Lit. 1" and "Lit. 4," respectively. An asterisk "*" identifies a reference that was submitted by the Applicant with one of the previously filed IDSs that was lined out by the Examiner and is being resubmitted to ensure the Examiner considers it.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and Applicant determines that the cited documents do not constitute "prior art" under United States law, Applicant reserves the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 50-1068.

Respectfully submitted,

MARTIN & FERRARO, LLP

Date: July 2, 2010

By: 

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